
RECOMMENDATIONS TO CODENEXT:

PEDESTRIAN ADVISORY COUNCIL AND BICYCLE ADVISORY COUNCIL

INTRODUCTION

The Pedestrian Advisory Council (PAC) and Bicycle Advisory Council (BAC) work to ensure that pedestrianism and bicycling achieve due consideration in public and private development, as well as in policies, programs, and design throughout Austin. While all the groups retain individual priorities and work plans, there are significant overlaps in the groups' missions. It is for this reason that the groups' membership have convened to identify obstacles of the current Code and opportunities for the new Code in order to accomplish land use policies supportive of pedestrianism and bicycling within Austin.

Moreover, the Pedestrian Advisory Council and Bicycle Advisory Council are Associated Entities for City of Austin charged with advising the City on projects and policies impacting pedestrian and bicycle realms. CodeNEXT represents an incredible opportunity to influence the urban form for the City of Austin and to realize the community goals articulated within the *Imagine Austin Comprehensive Plan*. It is for this reason, therefore, that the Pedestrian Advisory Council and Bicycle Advisory Council submit the following as formal recommendations to CodeNEXT for consideration.

We appreciate the chance to provide this input. We also welcome the opportunity to be further involved as critical stakeholders to achieving a compact and connected Austin as we undertake to revise the Land Development Code.

VISION

Development in Austin has for decades been governed by policies and land use regulations which result in automobile dependency. Austin's Land Development Code is not atypical of other city's land development regulations in that regard, and suburban sprawl is perpetuated through provision of large lots, single-use zoning, copious parking requirements, lack of connectivity requirements, large block sizes, etc.

The *Imagine Austin Comprehensive Plan*, adopted summer 2012, represents a fundamental turning point for the City of Austin. Extensive public involvement resulted in a plan for the City embracing principles of sustainability, affordable housing, and creative arts, among others. Overwhelmingly, however, the public ranked the Invest in a Compact and Connected Austin Priority Program as their top priority among the various community priorities.

Our organizations agree with the Austin community and embrace the *Imagine Austin Comprehensive Plan's* vision to grow in a compact and connected manner. To develop according to the principles of compact and connected further supports the vision of *Imagine Austin* to expand transportation choices (City of Austin, p. 6),¹

¹ Expanding Transportation Options is the 2nd of 6 Key Challenges and Opportunities identified within *Imagine Austin*.

to develop and maintain household affordability, create a healthy Austin, sustainably manage our water resources, as well as to utilize green infrastructure to protect environmentally sensitive areas.² The Priority Programs work in concert with each other, but begin with a land development philosophy codified in the Land Development Code. In fact, the entire rationale for revising the Land Development Code is the recognition that our current Code simply *cannot* achieve the community's goals envisioned within *Imagine Austin*. Whereas a compact and connected city is a primary driver for achieving other goals of *Imagine Austin*, and because walkers and bikers are key indicators for compactness and connectedness, we humbly suggest our groups are critical stakeholders for success in revising the Code.

Walkable and bikeable environments can be achieved following a set of seven Ds³ that influence the form and function of cities as well as how space is used and perceived. In making the following recommendations for new standards within the Code which support walking and bicycling, we will largely follow these tenets. We also offer recommendations for improving the development process and modifying the funding tools to enable a more walkable and bikeable community.

STANDARDS

The Original 3 Ds posited by Cervero and Kockelman (**density, diversity, design**) are wholly consistent with the compact and connected vision of *Imagine Austin*. Quite simply, a rich tapestry of relatively dense, well-designed neighborhoods consisting of housing, shops, and other destinations allow for walking and biking to occur. While sidewalks and bike facilities are necessary, they alone do not induce walking and biking. The mere infrastructure is necessary but not sufficient. Infrastructure must exist within an urban context making such trips not only technically possible, but likely. For Austin to achieve decreased reliance on the automobiles, we strongly recommend these broad principles to be the core of the new Code:

Density, Diversity, and Design

- **Increase density.** In particular within the *Imagine Austin* centers and corridors. Increasing the residential density is a prerequisite to creating walkable and bikeable places. Retail and transit are inextricably linked to density, and retail and transit are essential components of walkability and bikeability. Austin currently possesses a relatively sprawled urban fabric and an immature transit infrastructure (sidewalks, protected bicycle lanes, mass transit, and urban trails). Greater residential density is a tool to increase neighborhood vitality and to create more walkable and bikeable neighborhoods.
- **More mixed land-uses** throughout the City. Separate land-use zoning types complicate walking and bicycling by imposing time and distance barriers. Many individuals would enjoy a short walk to provide for daily needs such as milk or a book purchase, for example. However, the practice of separating land-uses

² Cite other priority programs.

³ Influences to the built environment have been described with words beginning with D. Robert Cervero and Kara Kockelman posited the original "three Ds": **Density, diversity, and design** (Cervero & Kockelman, 1997). These were followed later by **destination accessibility** and **distance to transit** (Ewing & Cervero, 2001; Ewing et al., 2009). **Demand management**, which includes parking supply and cost, is a sixth D. **Demographics** are sometimes included as a seventh D (Cervero & Kockelman, 1997) but will not be included within these recommendations.

renders such conveniences practically impossible throughout much of the City because these services or destinations do not exist within walking distance. More mixed land-uses would increase proximity of services and destinations and increase the feasibility to arrive in a way other than by personal automobile. Greater mixing of land uses enables housing affordability, and can also reduce vehicle miles traveled, thereby enhancing the environmental well-being of Austin. A Consideration to the building form, scale, and design treatments through a form-based code can more easily provide a walkable and bikeable environment.

The groups recognize that there are appropriate times for separation of land uses and appreciate concerns regarding neighborhood compatibility. Traditional zoning should be maintained to the extent that it provides for reasonable separation of uses that would otherwise impair the health, safety and general welfare of the community.

- **Increase infill options.** To support city-wide goals for affordable housing and proximal access to businesses and services, we recommend allowing ‘by-right’ infill options throughout the City. ‘By-right’ infill options reduce the burden to individual neighborhoods to accommodate the projected population growth of Austin. ‘By-right’ infill options further reduces cost of development and can assist in affordable housing. Whereas some existing infill tools have not proven to be successful in their current form, however (such as corner stores), consideration should be given to how various tools might be modified for improved performance.
- **Great Streetscapes.** The Great Streets Program has produced high-quality pedestrian- and bike-friendly environments throughout downtown. The new Land Development Code should perpetuate these standards as well as the complete and green street standards.
- **Provide for alleys.** The Code should allow for/require alleys and prohibit the vacation of alleys. Alleys provide efficient provision of services and can enable smaller front yard setbacks which encourage community interaction and a more hospitable pedestrian realm along the street.
- **Require trees along certain streets or development types.** The Land Development Code should support provision for tree plantings along streets. Shaded streetscapes help to make walking and bicycling more comfortable and more attractive.
- **Encourage pilot projects for innovative design solutions.** To achieve the goal of context sensitivity in arriving at solutions to problems relating to land development, Austin should consider small-scale pilot projects. The diversity of problems across the City should not be treated through inflexible regulations.
- **Shared streets.** We maintain that the City must fully develop its sidewalk infrastructure. Decades of prioritizing automobile infrastructure has resulted in an inferior sidewalk network often lacking ADA compliance, a nearly \$1 billion prospect.⁴ But, there may be cases within neighborhood contexts that would support woonerfs. In places where shared spaces are allowed, we recommend high-quality design standards to achieve pedestrian- and bike-friendly places.

⁴ City of Austin Public Works Department staff.

Figure 1. A woonerf creates a safe shared space for all people by slowing vehicle traffic.



Destination Accessibility

- **Greater emphasis on connectivity within and between neighborhoods and large-scale projects.** Consistent connectivity standards, as envisioned by Imagine Austin’s Compact and Connected Priority Program, should be enforced through all development types (subdivisions, site plans, planned unit developments (PUDs), commercial, multifamily, etc.) and should require small blocks through regular spacing of streets and/or pedestrian and bicycle connections through developments. Too often large scale development forces pedestrians and bicyclists to travel around the perimeter, either by lack of direct connections or by outright barriers such as fencing. Figure 2 illustrates a pedestrian un-friendly development pattern with fencing along a long block. We recommend strengthening and applying more generally the Pedestrian Path Requirements within the Land Development Code⁵ as well as greater application of Subchapter E-like requirements for all development types to ensure access between and through single- and multi-family neighborhoods, large commercial centers, parks, to transit, etc.. Figure 3 illustrates the use of a pedestrian easement to enhance connectivity within a single-family neighborhood.

⁵ § 25-4-153C Pedestrian Path Requirements

Figure 2. A hole punched through a fence along a super block on Rutherford Lane where individuals access the transit stop and a supercenter.



Photo credit: Google Earth

Figure 3. A pedestrian easement enhances connectivity between Capstone Drive and Doswell Lane. It also connects to Clayton Elementary School.



Photo credits: Google Earth

- **Planned Unit Developments (PUDs) and Planned Development Agreements (PDAs).** PUDs and PDAs offer greater flexibility in the development process. Importantly, because they do not develop according to standards within the Code, they are supposed to assure standards are met or exceeded.⁶ We offer several observations regarding alternative development scenarios. First, often PUDs and PDAs do not achieve the intended aim of higher quality development because there are no clear standards for approving these projects. In other words, it is unclear when superiority has been achieved given the necessary tradeoffs inherent in ad hoc negotiations. We recommend criteria be established for these alternative development scenarios which require high standards for walking, bicycling and connectivity.

Second, because PUDs and PDAs are approved by Council (all zoning cases are approved by City Council), many times changes are made on the dais nullifying the time and effort of staff and developers negotiating the agreement's particulars. We recommend limiting the number and/or types of changes that can be made on the dais.

⁶ <http://www.austintexas.gov/faq/planned-unit-development-pud-what-it>

Third, the complexity of the current Code encourages reliance on alternative development strategies. For instance, 11.29% of the City is zoned PUD.⁷ The overabundance of alternative development approaches magnifies the problems associated with them.

- **Subchapter E:**⁸ Expand block design standards so they apply to development types other than commercial development. Block design standards improve emergency service response time, are more cost-effective in infrastructure and service provision, and enhance health and safety. Currently, Subchapter E applies only to “commercial” projects and so does not apply broadly enough to capture the multitude of development projects which warrant this level of design consideration. We recommend applying block design standards across the entire city, allowing for exemption for topography and environmental constraints.

Staff has observed, too, that it may be prudent to consider sidewalk and building placement separately within Subchapter E.

- **Sign Regulations.** Wayfinding for pedestrians and bicyclists should be incorporated.
- **Condominium Regimes.** Condominium regimes are exempt from requirements to adhere to Subdivision Regulations according to state law.⁹ As such, there are no requirements for sidewalks, connectivity, etc. that occur with streets constructed according to city standards. We recommend requiring site design for condominium regimes and recommend ensuring standards for walkability and connectivity through site design process.

Distance to Transit

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Demand Management

Parking standards. Onerous parking requirements increases development costs, impacts affordable housing, consumes land space, perpetuates auto-dependency, etc. A recent Code amendment¹⁰ allows for vehicle parking reductions for providing bike lockers, shower facilities, and/or care share facilities. We recommend retaining this amendment to reduce vehicle parking requirements and to consider enhancing the incentive by allowing reductions, too, for pedestrian facilities such as pedestrian connections to nearby transit or creating direct pedestrian connections between neighboring sites.

⁷ Staff reported 11.29% of land is zoned through PUD. <ftp://ftp.ci.austin.tx.us/GIS-Data/planning/maps/Major%20Zoning%20Districts.pdf>

⁸ Subchapter E is a subchapter of the Zoning Code (§ 25-2 of the Land Development Code).

⁹ Texas Property Code 82.005

¹⁰ § 25-6-478 Motor Vehicle Reductions General

We recommend creating more generalized parking ratios that make it easier for sites to change uses, to take advantage of shared parking coefficients and to support developments that are less auto-oriented.

We recommend parking maximums be employed.

- **Long-Term Bicycle Storage.** There should be development requirements for projects of a certain scale for secure ground accessible long-term bicycle parking.
- **Shower Facilities to Encourage Bicycling.** Current Code allows for a 10% reduction in required vehicle parking if shower facilities are provided. This incentive should be retained or enhanced as well as develop a sliding scale as projects increase in size.

PROCESS / PROCEDURE

- **Variances.** The Land Development Code does not list sufficient variance criteria for land use commissions to use when considering applications. This places the City and developers at risk for arbitrary and capricious decision-making. It has also had a pernicious effect on development practices as developers routinely seek variances from Code requirements they do not like, find burdensome, or which cost more money. Philosophical opposition, inconvenience, or monetary considerations are never appropriate grounds for the granting of variances to Code requirements, however. (Variances should be limited to unique site constraints, environmental features, etc.) But this is a regular occurrence in Austin. The connectivity requirements of the Subdivision Regulations¹¹ are a perfect example of this. [provide example] We have already recommended increased connectivity standards within this note. The Code should also establish clear criteria for when and under what specific circumstances variances are allowed to be granted.¹²

Waivers to block length requirements of Subdivision Regulations¹³ should be a variance request, instead.

We recommend an interim review system to ensure that variances being considered until a new Code is adopted undergo a more rigorous review process. But, the new Code should continue high standards by identifying an interdisciplinary Land Use Review team to evaluate for variances within the right of way. This can help to achieve the *Imagine Austin* vision as well as to protect against short-term, single-project decisions that interfere with larger City of Austin plans within the right of way.

We recommend reducing the amount of variances that can be considered by a land use commission or approved administratively. The allowed variances should have clear standards tied to topography or environmental features, etc. Further, greater variance criteria design negotiation in the pre-submittal design phase of subdivision process should be provided.

¹¹ § 25-4-151 Street Alignment and Connectivity

¹² § 25-4-036 Variance Determination

¹³ § 25-4-153A Block Length

- **Alternative Equivalent Compliance (AEC).** Current Code allows for alternate route for development review if proposed project cannot meet current Code. This provides for a built-in process effectively granting a variance without established criteria for when projects even qualify for AEC. Also, there are no established standards or tradeoffs to ensure that the alternative proposed by the developer is actually achieving “equivalent” standards. We recommend developing criteria to determine when projects are eligible to be reviewed under AEC. And, we recommend standards for approving projects using AEC.

AEC in core transit corridors tend to work better because they are processed in coordination with urban design division in order to facilitate license agreements for required tree placement in right of way. But, there is a need to improve AEC reviewed along suburban roadways classified as Future Transit Corridors.

- **Sidewalk Construction.** New developments perpetuate lack of complete sidewalk network due to the fact that sidewalks aren’t required to be built with the road network. Rather, they are only required to be built in front of individual sites with the issuance of a building permit. This can result in a years-long process to construct sidewalks. This is a problem for subdivisions, site plans, PUDs and PDAs
- **Site Design, Subdivision Regulations, PUDs and PDAs.** Our standards allow for sidewalks to be built later in the development process. This has resulted (in the case of Site Plans) placement of signs and other streetscape elements being placed where sidewalks were to be located according to approved plans. These obstacles then become time and financial burdens to city staff in ensuring plans are developed as approved. For subdivisions, not providing for construction of sidewalks concomitant to street construction, but rather with building permit, results in fragmented sidewalk network that can exist for years.
- **Development Should Align with Bicycle Master Plan.** Code should require that cycle track construction planned for along corridors happens at time of redevelopment.
- **Traffic Impact Assessment.** Development must address multi-modal enhancements. For instance, new development should require provision of pedestrian infrastructure such as provision of Pedestrian Hybrid Beacons, not just automobile infrastructure such as street lights.

Also, City of Austin should consider lowering thresholds for triggering studies/enhancements. The current threshold of 2000 trips per day is too high.

- **Americans with Disability Act.** The Americans with Disabilities Act doesn’t differentiate between new construction or remodel. Developers should have to sign acknowledgement that they know they need to be in full compliance, verified by a “registered accessibility specialist” for projects \$50,000 or more. This won’t add to regulations, but help to enforce existing state regulations.
- **Definition of Remodel.** Observation of developments that have effectively rebuilt structures but by claiming remodel they have skirted coming into compliance with current code requirements that would address such things as sidewalk construction. (Example at 6th and Comal). Remodels don’t have any transparency requirements (amount of glass for street surface business), furniture zones. They may also be over parked.

- **Problems with Sidewalk fee-in-lieu.** Insufficient money generated through fee-in-lieu for actual construction project in same general area, as is required for funds to be spent.
- **Complete and Green Streets.** Ensure revision to the Transportation Criteria Manual provides for complete and green street cross sections as per the Imagine Austin Comprehensive Plan. Also, modify procedures to provide for Pedestrian Hybrid Beacon or signalized intersections without requiring a warrant which, in typical catch-22 fashion, is not granted without a demonstrated demand. Of course, with no possible crossing point and a generally inhospitable pedestrian environment, no such demand can be shown.
- **Development regulations should stipulate money to be designated for burying utilities.** The existence of above ground utilities impedes walkability. This requirement can help to implement a complete streets policy.
- **Heightened regulations should trump in instances of inconsistency or conflict** between documents such as the Transportation Criteria Manual and Land Development Code. Formatting of the Code and education of staff should take place to ensure heightened regulations are enforced when requirements conflict.

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